

Amend 2 Cal. Code Regs. section 18747 as follows:

§18747. Influencing Prospective Employment.

(a) No public official subject to Government Code ~~Section~~ section 87407 shall “make,” “participate in making,” or “use his or her official position to influence” any governmental decision, as defined in 2 Cal. Code Regs., ~~Sections~~ sections 18702.1, 18702.2, 18702.3, 18702.4, if the decision directly relates to a prospective employer.

(b) A governmental decision “directly relates” to a prospective employer if the public official knows or has reason to know:

(1) The prospective employer is “directly involved” in the decision, as defined in 2 Cal. Code Regs. ~~Section~~ section 18704.1(a); or

(2) It is reasonably foreseeable that the financial effect of a decision on a prospective employer is material as follows:

(A) For a business entity, the same as set forth in 2 Cal. Code Regs. ~~Section~~ section 18705.1(b);

(B) For a nonprofit entity, the same as set forth in 2 Cal. Code Regs. ~~Section~~ section 18705.3(b)(2); or

(C) For an individual, the same as set forth in 2 Cal. Code Regs. ~~Section~~ section 18705.3(b)(3).

(c) A person is a “prospective employer” of a public official if the official, either personally or through an agent, is “negotiating” or has an “arrangement” concerning prospective employment with that person.

(1) A public official is “negotiating” employment when he or she interviews or discusses

1 an offer of employment with an employer or his or her agent.

2 (2) A public official has an “arrangement” concerning prospective employment when he
3 or she accepts an employer’s offer of employment.

4 (3) A public official is not “negotiating” or does not have an “arrangement” concerning
5 prospective employment if he or she rejects or is rejected for employment.

6 (d) Notwithstanding subdivision (a), the prohibitions of Government Code ~~Section~~
7 section 87407 do not apply if:

8 (1) The governmental decision will affect the prospective employer in substantially the
9 same manner as it will affect a “significant segment,” as set forth in 2 Cal. Code Regs. ~~Section~~
10 section 18707.1(b)(1), of the public generally;

11 (2) The public official is legally required to make or participate in the making of the
12 governmental decision within the meaning of Government Code ~~Section~~ section 87101 and 2
13 Cal. Code Regs. ~~Section~~ section 18708; or

14 (3) The prospective employer is a state, local, or federal governmental agency.

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16 NOTE: Authority cited: Section 83112, Government Code.
17 Reference: Section 87407, Government Code.

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